

Application No. 10/815,421

Attorney Docket No. 050623.00359

REMARKS

Claims 1-82 are pending. Claims 1-30, 42-46, 50, and 53-82 are withdrawn. Claims 31-41, 47-49, 51 and 52 are rejected.

Claims 31, 39 and 51 are currently amended. Support for the amendment is found at least in the claims as originally filed.

Summary of Telephonic Communications

On February 17, 2010, the Examiner and Applicants' attorney, Zhaoyang Li, had a telephonic discussion on the Board's decision reversing the rejection of claims 31-41, 47-49, 51 and 52 as allegedly being obvious under 35 U.S.C. §103(a) over U.S. Patent No. 6,110,483 to Whitbourne et al. in view of WO 2004/101018. The Examiner advised that the Board held that these claims are allowable under 35 U.S.C. §103(a) over U.S. Patent No. 6,110,483 to Whitbourne et al. in view of WO 2004/101018 with respect to the elected species. The Examiner proposed the following two options of actions that Applicants may take: (1) Applicants are to amend the claims to be drawn to the elected species found allowable by the Board such that the Examiner can allow the claims thus amended, or (2) the Examiner is to re-open the case to examine the claims over non-elected species. Zhaoyang Li advised the Examiner that he would need to discuss the options with client before he can take any action. Subsequently, Zhaoyang Li faxed a set of amended claims to the Examiner.

On February 18, 2010, the Examiner and Zhaoyang Li had a telephonic discussion on the amendment to claims. The Examiner proposed to amend claim 31 to read:

31. (Currently amended) A medical article comprising an implantable medical device and a coating deposited on at least a part of the device, the coating including:

(a) a structural component comprising a linear acrylic homopolymer or linear acrylic copolymer; and

Application No. 10/815,421

Attorney Docket No. 050623.00359

(b) a biobeneficial component comprising a poly(ethylene glycol)-poly(n-butylmethacrylate)-poly(ethylene glycol) copolymer having an acrylate moiety and a biobeneficial moiety.

The Examiner indicated this amendment would make the claims allowable. Zhaoyang Li agreed.

Amendment to claims

Solely to facilitate the prosecution of the application, claim 31 is amended as the Examiner proposed above. Claims 39 and 51 are amended so as to be consistent with the amendment to claim 31. All claims are now allowable.

Applicants will file a continuation application and divisional applications to prosecute the remaining claims.

The undersigned authorizes the examiner to charge any fees that may be required or credit of any overpayment to be made to Deposit Account No. 07-1850.

Application No. 10/815,421

Attorney Docket No. 050623.00359

CONCLUSION

Withdrawal of the rejection and allowance of the claims are respectfully requested. **If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the undersigned attorney for approval of an Examiner's amendment.** If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

Date: February 18, 2010
Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza, Suite 300
San Francisco, CA 94111
Telephone (415) 393-9885
Facsimile (415) 393-9887

Respectfully submitted,

/ZLL/
Zhaoyang Li, Ph.D., Esq.
Reg. No. 46,872